

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EMPIRE LEVEL MANUFACTURING
 CORP.,

Plaintiff,

vs.

TOOLRICH IMP. & EXP. CO, LTD., *et al.*,

Defendants.

Case No.: 2:14-cv-00718-GMN-CWH

ORDER AND DEFAULT JUDGMENT

Pending before the Court is the Report and Recommendation of United States Magistrate Judge Carl W. Hoffman, Jr., (ECF No. 31), which recommends that Plaintiff Empire Level Manufacturing Corp.'s Motion for Default Judgment (ECF No. 28) be **GRANTED**.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1–4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3–2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3–2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all ... of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objections were filed, and the deadline to do so has passed. Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 31) is

1 **ACCEPTED and ADOPTED** to the extent that it is not inconsistent with this Order.

2 **IT IS FURTHER ORDERED** that Plaintiff Empire Level Manufacturing Corp.'s
3 Motion for Default Judgment (ECF No. 28) is **GRANTED**.

4 **IT IS FURTHER ORDERED** that Defendants, their agents, representatives and any
5 other person acting in concert or participation with them, are permanently enjoined from further
6 use, in connection with a level, of the infringing trademark and trade dress or any other
7 trademark confusingly similar to the Empire trademark (United States Trademark Registration
8 No. 2,833,616) or trade dress which is a colorable imitation of the Empire trademark and/or
9 trade dress.

10 **IT IS FURTHER ORDERED** that that Defendants, their agents, representatives and
11 any other person acting in concert or participation with them, are permanently enjoined from
12 further use of any promotional materials, including without limitation displays on Defendants'
13 websites, including the infringing trademark or trade dress.

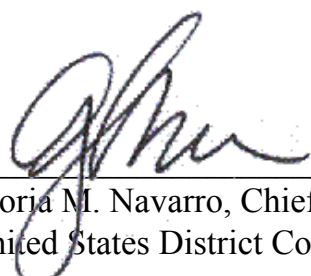
14 **IT IS FURTHER ORDERED** that, pursuant to 15 USC § 1125(b), United States
15 Customs shall refuse entry into the United States and seize any products of Defendants bearing
16 an infringing trademark and/or trade dress.

17 **IT IS FURTHER ORDERED** that Defendants shall deliver up for destruction all
18 infringing products in the United States to which they hold title, if any.

19 **IT IS FURTHER ORDERED** that Defendants shall deliver up for destruction all
20 catalogs, literature, advertising, negatives, photographs and other materials in the United States
21 in the possession or under the control of Defendants bearing representations of the infringing
22 trademark and/or trade dress.

23 **IT IS FURTHER ORDERED** that the Preliminary Injunction (*See* ECF No. 25) is
24 hereby dissolved and the related cash bond is released.

25 **DATED** this 3rd day of June, 2015.



Gloria M. Navarro, Chief Judge
United States District Court